

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY SMITH,

Plaintiff,

Case No. 15-12734

v.

Hon. John Corbett O'Meara

FLAGSTAR BANK, FSB and
MATRIX FINANCIAL SERVICES
CORPORATION,

Defendants.

ORDER OF PARTIAL REMAND

Before the court is Defendants' notice of removal, which is based upon federal question jurisdiction. Plaintiff's complaint alleges the following causes of action: Count I, wrongful foreclosure; Count II, breach of contract; Count III, fraudulent representation; Count IV, violation of the Real Estate Settlement Procedures Act (RESPA); and Count V, negligence.

Although Count IV is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion and because the state claims predominate. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw,

867 F. Supp. 1309 (E.D. Mich. 1994).

IT IS HEREBY ORDERED that Counts I, II, III, and V are REMANDED to Jackson County Circuit Court.

s/John Corbett O'Meara
United States District Judge

Date: September 24, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, September 24, 2015, using the ECF system.

s/William Barkholz
Case Manager